



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA, :
 :
v. :
 :
ANTHONY GONZALEZ, :
 :
Defendant. :
-----X

ORDER

17 CR 399 (VB)

On May 6, 2024, the Court received a letter from defendant Anthony Gonzalez's wife, Nicole Gonzalez (which will be separately docketed), asking that Mr. Gonzalez be released from custody based principally on an alleged miscalculation of the time remaining on the sentence of imprisonment imposed on him on June 8, 2022. The Court asked Mr. Gonzalez's CJA attorney, Kerry A. Lawrence, Esq., to look into the matter and report back to the Court. In a letter dated May 21, 2024, Mr. Lawrence states that based on his "review of the record, and discussions with the Government, [he does] not believe that the Bureau of Prisons has improperly denied Mr. Gonzalez credit for time in State custody."

Nonetheless, Mr. Lawrence requests that for the reasons set forth in Ms. Gonzalez's letter as well as the "horrific conditions" at the Metropolitan Detention Center, defendant's sentence be modified to permit him to serve the remainder of his sentence on home detention. The government opposes that motion because (i) Mr. Lawrence has not provided any legal authority to support such a modification, and (ii) to the extent it is deemed a "compassionate release" motion, Gonzalez has failed to exhaust his administrative remedies as required by the statute.

The Court agrees with the government. The request that Mr. Gonzalez be permitted to serve the remainder of his sentence on home detention is DENIED.

Dated: May 22, 2024
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent L. Briccetti".

Vincent L. Briccetti
United States District Judge